

REMARKS

In the Office Action mailed on June 8, 2004, claims 16-18 and 27 were allowed, and claims 20, 26 and 28-31 rejected. Claim 26 has been cancelled, and claims 20 and 28-31 amended to overcome these rejections. Claims 20 and 28 were rejected under 35 U.S.C. §102(e) as anticipated by *Schnarel* et al. (U.S. Patent No. 6, 389, 124). Claim 20 has been amended to further recite recording a video message from at least one of the incoming phone calls, and playing the recorded video message. Claim 28 has been amended to recite recording a video message that includes video data for at least one incoming phone call, and playing the video message. Because *Schnarel* does not disclose or suggest these recitations, claims 20 and 28 as amended are allowable.

It is noted that the Office Action suggests that *Schnarel* discloses “displaying incoming call data and since that data is displayed it is considered video data...” It is respectfully submitted that this is an overbroad interpretation of *Schnarel*’s disclosure. It is also submitted that one skilled in the art will understand that “video” is more than simply the display of data. The *Merriam-Webster* on-line dictionary, for instance, defines video as: “Television, *also* : the visual portion of television; 2: Videotape: as a : a recording of a motion picture or television program for playing through a television set...” See, www.m-w.com.

To further clarify the difference between some patentable aspects of the present invention and *Schnarel*, claims 20 and 28 have been amended. It is submitted that as

amended these claims include elements not disclosed or suggested by *Schnarel*. For example, amended claims 20 and 28 recitations include: “at least one of said plurality of incoming phone calls including video communications data” (claim 20), “record a video message from said video communications data included with said at least one of said plurality of phone calls” (claim 20), “playing said recorded video message” (claims 20 and 28), and “recording a video message for at least one of said plurality of incoming phone calls” (claim 28).

Claims 26 and 29-31 were rejected under 35 U.S.C. 103(a) as obvious over *Rudd* (U.S. Patent No. 6, 389, 124). Claim 26 has been cancelled herein. Claims 29-31 have been amended to depend from amended claim 28, and are allowable for the same reasons as are that claim in addition to other reasons.

New claims 32 and 33 have been presented for consideration, and are believed to be allowable. New claim 32 depends from claim 27, which has been allowed. New claim 33 depends from amended claim 20 and further recites that the computer program instructions cause the computer to respond to a voice activation command.

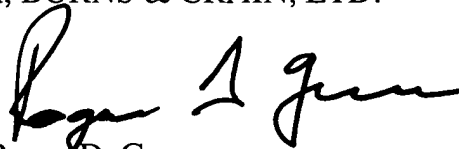
In conclusion, it is respectfully submitted that all claims left pending are allowable in their present form. Timely allowance is respectfully requested. Should the

Examiner feel that there are any issues remaining to be addressed in this matter before a notice of allowance can be issued, the Applicant's undersigned attorney respectfully requests the favor of a phone call to discuss the same.

Respectfully submitted,

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